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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	Case No. CR 05-60008
)	
Plaintiff,)	DEFENDANT'S MEMORANDUM
)	IN SUPPORT OF PRETRIAL RELEASE
vs.)	
)	
PIROUZ SEDAGHATY, AND)	
SOLIMAN AL-BUTHE,)	
)	
Defendants.)	

Defendant, Pirouz Sedaghaty, by and through his attorney, Lawrence Matasar, submits this memorandum in support of pretrial release. Defense counsel regrets the summary nature of this memorandum and possible errors due to the late filing of the government's far reaching memorandum and exhibits.

Defendant respectfully submits that defendant is neither a flight risk nor a danger to the community. He voluntarily returned to Oregon to face these charges, so he is hardly a flight risk. He has no criminal record. He has no history of drug or alcohol abuse. He has two brothers and two sons in Oregon. His long record of community involvement and multi-faith, non-violent activism shows him to be a strong force for peace in the community, not a danger to the community.

I. Defendant's place in the Southern Oregon community

Pirouz Sedaghaty, generally known by a Westernized version of his name, Pete Seda, has a long history of community involvement. His work as an arborist (a professional in the management and maintenance of trees), including for city governments, has positively and repeatedly impacted the local community. He is acknowledged in the 1992 City of Ashland Site Design and Use Standards. Exhibit A. He has worked with both the City of Eugene and the City of Ashland in major community efforts to save old trees. Exhibit B, Exhibit C.

Despite the government's efforts to portray Mr. Seda as a Muslim extremist, he has a long history of involvement with other faiths to seek peace and harmony. At the detention hearing, the defense will present evidence in support of Mr. Seda's positive impact in the community from a Methodist Minister who has known Mr. Seda for more than fifteen years.

Rabbi David Zaslow, the rabbi and spiritual leader of an Ashland synagogue since 1995, has known Pete Seda since the early days of his rabbinic studies in the late 1980's. His letter to the Court explains that from the time he was ordained until several years after September 11, 2001, "Pete Seda was my peace partner in bringing a bit of hope to both the Jewish and Muslim communities of Southern Oregon. He spoke passionately against violence, Islamic terrorism, and for reconciliation with the Jewish community. He took some personal risk not only to associate himself with the Jewish community here, but to proclaim a very positive, public view about Israel." Exhibit D.

In addition, the defense will present testimony in support of Mr. Seda from Jeff Golden, a long time community leader.¹

Mr. Seda has written a pamphlet, *Islam Is . . . : An Introduction to Islam & Its Principles*, which has been translated into several languages, distributed widely, and which flatly rejects terrorism. See excerpts, Exhibit F. He brought a pet camel to Ashland's Fourth of July events. See Exhibit K.

Given the non-violent nature of the statutes allegedly violated and Pete Seda's strong community ties, he should be released.

II. The Government's Main Foreign Policy Arguments

In an intense effort at detention, the government relies upon uncharged, constitutionally protected activity to smear Pete Seda as a terrorist.

First, the Government claims that Pete Seda should be detained because he and Al Haramain promoted a version of Islam called Wahhabism.

While Assistant United States Attorney Cardani, and perhaps his experts, attack one branch of Islam as "extreme, intolerant and militant," this branch is taught and propagated by Saudi Arabia, our closest ally in the region. This issue is no support whatsoever for detention and will be addressed in detail by a defense expert at the hearing.

Second, the Government claims that Pete Seda should be detained because he "attempted to convert U.S. prisoners to a militant form of Islam."

The evidence at the hearing will show that it was the government's own witness, Daveed Gartenstein-Ross, who took the initiative with Al Haramain's prison project,

¹ As recently as August 7, 2007, Mr. Golden, a potential candidate for United States Senate, was favorably portrayed by *The Oregonian's* curmudgeon political columnist, Steve Duin. Exhibit E.

that the project was generally aimed at improving the lives of prisoners, and that the project was not used to recruit terrorists. In fact, Al Haramain Saudi Arabia, the organization that the government and Mr. Gartenstein-Ross attempt to portray as the main evildoer in this case, was not even interested in converting prisoners to Islam. Furthermore, despite the government's terrorism language throughout its memorandum, Al Haramain Saudi Arabia, then the largest Muslim charity in Saudi Arabia, was never designated as a terrorist organization, and was not in favor of terror attacks against the United States.

Third, the Government claims that Pete Seda should be detained because he "supports violent actions by the *mujahideen*."

Throughout recent history, the United States government itself has supported violent actions by the mujahedin, in Afghanistan and Chechnya, most notably in every year of the administration of President Regan. See the two bestsellers, Steve Coll, *Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001*, which won the Pulitzer Prize in 2005, and George Crile, *Charlie Wilson's War*, for a detailed account of how the CIA and a Texas Congressman funneled billions of dollars to mujahedin warriors fighting against the Soviet occupation of Afghanistan. Of course, many of these warriors became the Taliban and later used US weapons and funding to assist Al Qaeda. Former Congressman Charlie Wilson was never prosecuted and later became a lobbyist for Pakistan. Neither he, nor the CIA, despite its vast intelligence gathering and analysis capabilities, had any inkling that some of their support would end up in the hands of Al Qaeda and the Taliban.

More importantly, the evidence will show that the conflict in Chechnya is a far more complex one than the simplified version presented by the Government. For example, see Exhibit G, a 2004 story in the Los Angeles Times showing that the United

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States granted asylum to an exiled Chechen leader claimed to be a terrorist by the Russian government. Certainly the Chechen conflict has caused a large number of refugees, largely due to Russian military actions against Chechen civilians. Saudi Arabia has taken a leading role in providing truly humanitarian aid to the refugees. *See* Exhibit H, Matusevitch declaration and Exhibit I, Russian translation of relevant documents. Moreover, the money the government claims was given to terrorists was given to the Saudi Joint Relief Committee for Kosovo and Chechnya, SJRC, a legitimate Saudi governmental entity that was never designated, never indicted, and never shut down, *id.* and Exhibit J, Complaint, particularly paragraphs 34 et. seq.²

CONCLUSION

For the above stated reasons, defendant should be released pending trial.

DATED this 21st day of August, 2007.

Respectfully submitted,

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² Even under the secret, summary procedures inherent in the OFAC terrorist designation process, *see* Exhibit J, Pete Seda was NOT designated as a terrorist.